

## REMARKS

The claims in this application are claims 1-3 and 7-14 pending and under examination. Claims 4-6 have been withdrawn from consideration as being a non-elected invention.

The amendment to claim 1 brings all of the remaining pending claims into a consistent format and directs all of the claims to a graphite material for use for forming a negative electrode of a lithium ion secondary cell. Claim 1 in this amendment is limited to a specified range of surface active material which is adsorbed or coated on the graphite material. Support for this amendment is found in the specification on page 4, lines 14-16. These amounts of surface active material are seen to be critical as set forth in the specification at page 6, lines 15-28 and page 7, lines 1-2. This criticality of the amount of surface active material coated or adsorbed on the graphite is supported by the Examples, especially Example 3, page 14, line 6 and Example 4, page 15, lines 7-8. None of the references cited by the Examiner, such as Liu and '407 of Paper No. 14 disclose the amounts of surface active material as critical for the success of the utility of the graphite material for a negative electrode lithium ion secondary cell.

Applicant's attorney gratefully acknowledges the telephonic interview of June 4, 2002 whereby the possibility of filing Request for Continued Examination ("RCE") with a further amendment to claim 1 was discussed. It was believed that the Examiner would consider

the amendment to claim 1 which is an amendment to the previous amendment which had not been entered but which would now be entered with the filing of an RCE. Favorable consideration of the amendment as filed is respectfully solicited in view of the foregoing remarks. It is believed that claim 1 as amended with the sixth amendment as set forth herein effectively distinguishes over the cited references which were mentioned in the Advisory Action, Paper No. 18 dated May 8, 2002. In view of these remarks and the amendment offered in this paper, reconsideration of the final rejection of the claims in the present application is respectfully solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward H. Valance (Reg. No. 19,896) at the telephone number of the undersigned below.

**Attached hereto is a marked-up version of the changes made to the application by this Amendment.**

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a two (2) month extension of time for filing a reply in connection with the present application, and the required fee of \$\$400.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Version with Markings to Show Changes Made

(Rev. 02/20/02)

VERSION WITH MARKINGS TO SHOW CHANGES MADEIN THE CLAIMS:

The claims have been amended as follows:

1. (Sixth Amendment) A [negative electrode of a lithium ion secondary cell which is consisting of] graphite material for use in forming a negative electrode of a lithium ion secondary cell [for] which is capable of occluding or releasing lithium ions, wherein said graphite material has adsorbed or is coated with a layer of surface active material that (1) has not been graphitized by heat treatment and (2) consists essentially of at least one member selected from the group consisting of starch derivatives having a basic repeating unit structure of  $C_6H_{10}O_5$ ; viscous polysaccharides having a basic repeating unit structure of  $C_6H_{10}O_5$ ; water-soluble cellulose derivatives having a basic repeating unit structure  $C_6H_{10}O_5$ , and water-soluble synthetic resins[.] , wherein the amount of said surface active material is present in a range of 0.01 to 10% by weight based upon the weight of graphite material.